

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MANE FALETOGO, individually,

Plaintiff,

v.

CITY OF SEATTLE, a municipal corporation,
OFFICER JARED KELLER ,

Defendants.

NO. 2:19-cv-00247-TSZ

**MOTION FOR VOLUNTARY NON-
SUIT WITHOUT PREJUDICE**

HEARING DATE: MAY 17, 2019

I. INTRODUCTION

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Mane Faletoogo moves to dismiss his claims against Defendants, City of Seattle and Officer Jared Keller, without prejudice.¹ There are no counterclaims of record, and trial is not scheduled. As a practical matter, Mr. Faletoogo seeks this non-suit premised upon two primary reasons: (1) during the pendency of this lawsuit the Washington State Legislature enacted a new law that gives Mr. Faletoogo rights under state tort law to maintain this claim, and (2) the decedent's mother has expressed an interest in

¹ (2) *By Court Order; Effect.* Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.

1 intervening in this matter. The newly enacted law does not become effective until July 28,
2 2019, and completely revises Mr. Faletogo's options as to how to proceed with this case. *See*
3 S.B. 5163.² In the interest of judicial economy and based upon the fact that Mr. Faletogo's state
4 law rights have substantively changed, this motion should be granted.

5
6 **II. CONCLUSION**

7 Based upon the arguments set forth herein, this matter should be dismissed without
8 prejudice.

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10 DATED this 2nd day of May, 2019.

11 CONNELLY LAW OFFICES, PLLC

12 *Lincoln Beauregard*

13 By _____
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15 Amanda M. Searle, WSBA No. 42632
16 Attorneys for Plaintiff Mane Faletogo
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² See attached